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7 Attorneys for Defendants
LUCILE SALTER PACKARD CHILDREN'S
8 HOSPITAL AT STANFORD; STANFORD
HEALTH CARE; STANFORD HEALTH CARE
9 ADVANTAGE

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 EMILY MASUDA, on behalf of herself)
14 and all others similarly situated,)

15 Plaintiff,)

16 vs.)

17 LUCILE SALTER PACKARD)
CHILDREN'S HOSPITAL AT)
18 STANFORD, a California corporation;)
STANFORD HEALTH CARE, a)
19 California corporation; STANFORD)
HEALTH CARE ADVANTAGE, a)
20 California corporation; and DOES 1)
through 50,)

21 Defendants.)
22

CASE NO.

**DEFENDANTS' NOTICE OF
REMOVAL UNDER 28 U.S.C.
§ 1441(b) (FEDERAL QUESTION)**

23
24 TO THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF
25 AND HER ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that Defendants LUCILE SALTER PACKARD
27 CHILDREN'S HOSPITAL AT STANFORD, STANFORD HEALTH CARE, and
28 STANFORD HEALTH CARE ADVANTAGE (collectively "Defendants"),

hereby remove to this Court the above-captioned State court action (*Emily Masuda, on behalf of herself and all others similarly situated vs. Lucile Salter Packard Children's Hospital At Stanford, a California corporation, Stanford Health Care, a California corporation, Stanford Health Care Advantage, a California corporation, and Does 1 through 50, inclusive*, Superior Court of the County of Santa Clara, Case No. 20CV372980 (hereinafter, "The Complaint").

TIMELINESS OF REMOVAL

1. On November 13, 2020, Plaintiff Emily Masuda filed her Complaint in the Superior Court of the State of California in and for the County of Santa Clara.

2. On November 30, 2020, the Complaint was served on Defendants Stanford Health Care and Lucile Salter Packard Children's Hospital at Stanford.

3. On December 2, 2020, the Complaint was served on Defendant Stanford Health Care Advantage.

4. This Notice of Removal is filed within thirty days of service of the Summons and Complaint upon Defendants and is thus timely under 28 U.S.C. § 1446 and Fed. R. Civ. P. 6(a).

5. Defendants have not filed a responsive pleading or otherwise appeared in the above-entitled case.

FEDERAL QUESTION JURISDICTION

6. This Court has original jurisdiction over this Action pursuant to 28 U.S.C. § 1331. As such, the Action may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(b).

7. Plaintiff has pled two causes of action in her Complaint for violations of the Fair Credit Reporting Act, 15 U.S.C. §§1681b(b)(2)(A), 1681d(a)(1), and 1681g(c).

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1 8. The Fair Credit Reporting Act provides that “an action to enforce any
2 liability created under this title may be brought in any appropriate United States
3 district court, without regard to the amount in controversy....” 28 U.S.C. § 1681p.

4 9. As the Complaint alleges violations of federal law only and the statute
5 allows for enforcement by the federal courts, removal is proper.
6

7 ///

8 10. Venue is proper in this District pursuant to 29 U.S.C. § 1132(e)(2)
9 because this Action is currently pending in the State of California, County of Santa
10 Clara which is the same venue for this Court.


11 **REMOVAL**

12 11. Written notice of filing of this Notice of Removal has been given to
13 all parties, and a copy of this Notice of Removal has been filed with the Clerk of
14 the Santa Clara Superior Court.

15 WHEREFORE, Defendant requests that this action be removed from the
16 Superior Court of the State of California, County of Santa Clara to the United
17 States District Court for the Northern District of California

18 Dated: December 29, 2020

GORDON REES SCULLY
MANSUKHANI LLP

19
20 By: 
21 Michael D. Bruno
22 Alyson S. Cabrera
23 Vijayta Labat
24 Attorneys for Defendants
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27
28

CERTIFICATE OF SERVICE

Masuda v. Lucile Packard Children's Hospital at Stanford, et al.
USDC Northern District Case No.: _____

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is 275 Battery Street, 20th Floor, San Francisco CA 94111.

On the date set forth below, I served on the party listed below the foregoing document(s) described as:

**DEFENDANT'S NOTICE OF REMOVAL UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION)**

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Shaun Setareh
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Attorneys for Plaintiff

Emily Masuda

Attorneys for Plaintiff

Executed on **December 29, 2020**, at San Francisco, California.

/s/ Stacey Drucker
Stacey Drucker